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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/064,756

08/14/2002

Douglas P. Boyd

12591-2

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08/24/2005

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EXAMINER

ROY, BAISAKHI

ART UNIT

PAPER NUMBER

3737

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Double Patenting

1. Claims 1-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11, 19-21, and 23-29 of copending Application No. 10/064,757. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application claims disclose a method of obtaining cine images with multiple triggering sequences or arrays comprising multiple events, activities, or points with movement of the patient between the scans with the scans being obtained at different points of the cardiac cycle and therefore the copending application claims anticipate the current application claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3737

2. Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Eisenberg et al. (2003/0128801). Eisenberg et al. disclose a method for obtaining cine angiography image with a computed tomography (CT) scanner by selecting multiple independently configurable trigger arrays or gating control system with each array comprising a plurality of trigger points or activities such as contrast injection or manual trigger and initiating a scan of the patient based on the trigger array ([0057-0060] [0065] [0090] [0113] [0116]), and constructing a cine angiography loop from the scans ([0114]). Eisenberg et al. teach obtaining multiple scans during a single cardiac cycle at different points within the time period or conduct scans of two or more cardiac cycles and completing the scan in no more than 100 milliseconds ([0118] [0120-0121]), displaying the cine images ([0053] [0058] [0063] [0065] [0066]), and the use of prospective gating based on the cardiac cycle of the patient ([0117]). Eisenberg et al. further teach moving the patient automatically with respect to the CT scanner during each of the individual scans to obtain spiral scans ([0054] [0058-0060] [0063] [0106-0110]). Eisenberg et al. also teach sweeping an electron beam along a target to generate an x-ray fan beam to perform the multiple scans ([0071] [0074] [0076] [0110]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baisakhi Roy whose telephone number is 571-272-7139. The examiner can normally be reached on M-F (7:30 a.m. - 4p.m.).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. R.

BR


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